

Attorney Docket: 112.P14069

RECEIVED  
CENTRAL FAX CENTER

SEP 25 2006

REMARKS

The present patent application has been reviewed in light of the office action, referenced above, in which claims 1-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Barker et al., U.S. Patent No. 6,646,765 (hereinafter "Barker") in view of Berlin et al., U.S. Patent No. 6,460,069 (hereinafter "Berlin"). Reconsideration of the above-referenced patent application in view of the foregoing amendments and following remarks is respectfully requested.

Claims 1-36 are pending. Claims 3, 4, 6, 7, 8, 10, 11, 12, 13, 14, 16, 17, 18, 21, 22, 24, 25, 27, 28, and 33 have been amended. It should be noted that the amendments to the claims herein merely provide clarity for various recitations, and that no elements were added or removed from the claims. Therefore, no new issues should be raised, nor should a further search be required. Furthermore, no new matter has been added.

Rejections under 35 U.S.C. § 103(a)

Claims 1-36 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Barker in view of Berlin. However, contrary to the Examiner's assertion, neither Barker nor Berlin disclose:

*"a switch control device adapted to receive a signal to display said document on a display device, and further adapted so that said scanner has the capability to scan a next document substantially concurrently with a displaying of the first document"*

as claimed in claim 1. As for Barker, the Examiner states at paragraph 3 on page 3 in the office action that Barker does not disclose the above-mentioned elements. The Assignee agrees.

The Assignee further contends that Berlin also does not disclose the above-mentioned elements. At paragraph 4 on page 3 of the office action, the Examiner contends that Berlin discloses "a switch control device (control button 330 on the display 320 of fig 3B, will select the control parameter for use by the image scanner device 215 of fig 2), adapted to receive a signal to display said document on display device, (320 of fig 3B) and further adapted so that said scanner (25 of fig 2) has the capability to scan next document substantially concurrently with a displaying of the first document, (col. 15, lines 60-68)." However, as can be seen by referring to Fig 3B and the associated discussion in Berlin, control button 330 on display 320 is merely a selector whereby a user may select a color of a document to be scanned. There is no disclosure or teaching in Berlin of a switch control device adapted to receive a signal to display a document on a display device, and further there is no disclosure or teaching of a switch control device further adapted so that said scanner has the capability to scan a next document substantially concurrently with a displaying of a first document as claimed in claim 1. Thus, contrary to the Examiner's assertion, Berlin at col. 15, lines 60-68 as cited by the Examiner does not teach or disclose "said scanner has the capability to scan a next document substantially concurrently with a displaying of the first document" as recited in claim 1:

Claim 1 of the present application	Berlin col. 15, lines 60-68
"said scanner has the capability to scan a next document substantially concurrently with a displaying of the first document"	documentation used by the transportation industry. The driver's selection of a control button 330 corresponding to a particular color will select the control parameters for use by the image scanner device 215 to scan the driver's document. Based on the selection of a single control button, the driver can effectively select a set of predetermined scanner parameters that support the creation of a high quality document image by the image scanner device based on document color.

The cited passage of Berlin says nothing at all about scanning a next document concurrently with displaying a first document. Thus it can be seen from a comparison of the recitation of claim 1 with the cited passage of Berlin that the teachings of Berlin are not identical to the subject matter of claim 1, and there is no teaching or suggestion otherwise. As a result, the rejection should be withdrawn.

For at least these reasons, even if there was a teaching or suggestion to combine Barker and Berlin, and Assignee respectfully contends that there is no such teaching or suggestion, any resulting combination of Baker and Berlin still lacks all of the elements of claim 1. Therefore, claim 1 and the claims that depend from it are patentable over the cited patents.

Claims 9 and 23 include similar limitations to those discussed above in connection with claim 1, and therefore claims 9 and 23 and the claims that depend from them are patentable over the cited patents.

Further, neither Barker nor Berlin, either alone or in combination, disclose *"scanning a next document substantially concurrently with the displaying of said first document"* as recited in claim 15. To the contrary, Berlin teaches away from such an element by disclosing that scanning operations occur in response to a user selecting a document color. After the scanning operation, an image is displayed and the user is

required to indicate acceptance or rejection of the scanned image (see figures 3B, 7A, and 7B of Berlin and the associated discussion at column 15 lines 60-68 and column 19, line 19 through column 20, line 41). For at least these reasons, claim 15 is patentable over the cited patents.

Claims 29 and 33 include similar limitations to those discussed above in connection with claim 15, and therefore claims 29 and 33 and the claims that depend from them are patentable over the cited patents.

It is, therefore; respectfully requested that the Examiner withdraw the rejection as to these claims.

It is noted that claimed subject matter may be patentably distinguished from the cited patents for additional reasons; however, the foregoing is believed to be sufficient. Likewise, it is noted that the Assignee's failure to comment directly upon any of the positions asserted by the Examiner in the office action does not indicate agreement or acquiescence with those asserted positions.

SEP 25 2006

Attorney Docket: 112.P14069

CONCLUSION

In view of the foregoing, it is respectfully asserted that all of the claims pending in the present patent application are in condition for allowance. If the Examiner has any questions, he is invited to contact the undersigned at (503) 439-6500.

Reconsideration of the present patent application and early allowance of all the claims is respectfully requested. Please charge any underpayments or credit any overpayments to deposit account no. 50-3703.

Respectfully submitted,

Dated: 9/25/06/Calvin E. Wells Reg. No. 43,256/Calvin E. Wells  
Reg. No. 43,256

Berkeley Law and Technology Group, LLC  
1700 NW 167th Place, Suite 240  
Beaverton, OR 97006  
503.439.6500  
Customer No. 00043831

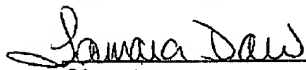
*I hereby certify that this correspondence is being deposited via facsimile to the Commissioner for Patents on:*

September 25, 2006

Date of Transmission

Tamara Daw

Name of Person Transmitting Correspondence

  
Signature9/25/06  
Date